IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CRIMINAL MISC. BAIL APPL. NO.7602/2006
Vijendra Singh & anr. V. THE STATE OF RAJASTHAN

Date of order ::: December 22, 2006

PRESENT
HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr.A.K. Gupta, for the applicants.
Mr.R.P. Kuldeep, PP for the State.

This is a bail application under Section 439 Cr.P.C. arising out of FIR No.318/2006 registered at Police Station Harmada, District Jaipur for the offence under Section 307 IPC and afterwards added Section 302 IPC.

Heard learned counsel for the applicants as well as the learned Public Prosecutor and perused the material / case diary made available to me during the arguments of the case..

The submission of counsel for the applicants that the applicants are not involved in the alleged offence. Prior to death, Kishore Singh lodged an FIR in the Police Station Harmada that the applicants have tried to strangulate, but since rope was broken, therefore, he was not died and went to his house. It is alleged that on the next day at 2.25 pm he died and the case was converted into Section 302 IPC. In the post mortem report also, no

cause of death has been specified. Apart from above, no other evidence was collected by the prosecution so far during the course of investigation.

Learned Public Prosecutor has opposed the bail application and submitted that offence is of serious nature, therefore, it is not a fit case for grant of bail.

Without expressing any opinion on the aforesaid submissions on merits and demerits of the case and taking into consideration the entire facts and circumstances of the case, I am inclined to grant bail to the applicants.

It is, therefore, ordered that applicants (1) Vijendra Singh S/o Ummed Singh (2) Narendra Singh S/o Ummed Singh shall be released on bail, provided they furnish a personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand only) together with two sureties in the sum of Rs.10,000/- to the satisfaction of the learned trial court for their appearance before that Court as and when called upon to do so during pendency of the trial against them arising out of FIR No.318/2006 registered at Police Station Harmada, District Jaipur.

(PREM SHANKER ASOPA) J.

ummed/